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**FISCAL IMPACT STATEMENT**

**LS 7164**

**BILL NUMBER:** HB 1434

**NOTE PREPARED:** Apr 4, 2003

**BILL AMENDED:** Apr 3, 2003

**SUBJECT:** Child Restraints in Motor Vehicles.

**FIRST AUTHOR:** Rep. Welch

**FIRST SPONSOR:** Sen. Wyss

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (A) It requires a person who operates a motor vehicle with a child who is less than 12 years of age to restrain the child by a child restraint system, a booster seat, or a safety belt.
- (B) It removes the exception that a person who operates a vehicle registered outside Indiana is not required to use a child restraint system unless the vehicle is operated in Indiana for more than 60 days in a year.
- (C) It requires children of certain ages to be restrained in a certain manner in vehicles operated in Indiana that are not registered in Indiana.
- (D) It makes violations of child restraint system laws Class C infractions.
- (E) It establishes the Child Restraint System Fund to make grants to private and public organizations to purchase and distribute child restraint systems without charge or for a minimal charge to persons who would not otherwise be able to afford to purchase child restraint systems.
- (F) It removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana Supreme Court.
- (G) It repeals a provision concerning child restraint systems and safety belt use by children at least four but less than 12 years of age.
- (H) It provides that an infraction for a violation of child booster seat requirements is not an offense for which points may be assessed against the driver and may not be used in a determination of habitual violator status.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** (Revised) A dedicated fund would be established under the bill to make grants to private and public organizations to purchase and distribute child restraint systems at minimal or no charge. The Child Restraint System Fund (see *Explanation of State Revenues*) would be administered by the

Criminal Justice Institute, and administrative costs would be paid from the Fund. The Criminal Justice Institute would adopt rules to implement the Fund, but costs to adopt the rules are expected to be minimal.

*Background:* The Indiana Criminal Justice Institute serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The Institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies.

**Explanation of State Revenues:** (Revised) *Child Restraint System Fund:* The maximum judgment for a Class C infraction is \$500, which is currently deposited in the state General Fund. As proposed, proceeds from these infraction judgments would be deposited in the Child Restraint System Fund established under the bill. Also, the judgment for the Class C infraction could be avoided if the offender proves that a child booster seat or child restraint system has been purchased prior to enforcement for a child up to 8 years of age. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. Children who weigh more than 80 pounds or are taller than 4 feet 9 inches would not be required to be in a car seat.

Under current law, children under 4 years of age must be restrained by a child restraint system, or if appropriate, a seat belt. The bill would add a child booster seat to the restraint methods available and would require children up to 12 years of age to be restrained in a child booster seat, child restraint system, or a seat belt with different requirements imposed based on the age of the child. If a child weighs more than 40 pounds, and the vehicle has no lap and shoulder safety belts or there are no lap and shoulder safety belts available, the child may ride in the vehicle if the child is properly restrained and fastened by the lap safety belt.

Also, under current law, a vehicle operator is excluded from the child restraint requirements if the vehicle is operated in Indiana for less than 60 days and it is registered in a jurisdiction outside of Indiana, or if a rental vehicle is leased for not more than 30 days. Under the bill, a person who does not hold an Indiana driver's license and operates a vehicle in which there is a child less than 12 years of age not in a child restraint system, booster seat, or seatbelt, commits a violation. All rental vehicles would require proper systems.

To the extent that children from the age of 4 to 12 will now be subject to the child restraint requirement or that a vehicle operator with a license not from Indiana will be subject to a violation, the number of offenders found guilty would increase. To the extent that a third option, a child booster seat, would be available for children, offenses would decrease. In CY 2001, there were 8,369 guilty verdicts for child restraint violations. There are no data available to determine how many fines were avoided by offenders providing child restraint systems prior to enforcement.

#### **Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be

assessed and, if collected, would be deposited into the county law enforcement continuing education fund.  
(3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

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